

REMARKS/ARGUMENTS

In response to the Examiner's Office Action of November 16, 2006, the Applicant respectfully submits the accompanying Petition to Accept an Unintentionally Delayed Claim under 35 USC 120 and 365(c) and Amendment to the specification and claims, and the below Remarks.

Regarding Amendment

In the Amendment:

a "Cross-Reference to Related Applications" section at page 1 of the present specification is added to identify the international application from which the present application entered the national phase and the prior filed US application, the filing date of which the international application claims benefit;

independent claim 1 is amended to omit the present recitations of the printhead chip, the nozzle arrangements, the specific structure of the nozzle chambers and the support structure of the nozzle guard, and to specify that the claimed printhead comprises an array of nozzles which each have a nozzle chamber, nozzle opening and thermal bend actuator, and a nozzle guard which has a cover member of the claimed thickness covering the array of nozzles with passages spaced from and in register with the nozzle openings such that ink ejected by the actuators through the nozzle openings passes through the passages. Support for these amendments can be found, for example, at page 4, line 27-page 5, line 25 and page 7, line 20-page 8, line 24 of the present specification;

dependent claims 2 and 3 are cancelled; and

new dependent claims 4-6 are added. Support for the subject matter of these new claims can be found, for example, in pending dependent claims 2 and 3 and at page 4, line 27-page 5, line 25 and page 7, line 20-page 8, line 24 of the present application.

It is respectfully submitted that the above amendments do not add new matter to the present application.

Regarding Priority

It is respectfully submitted that the above-discussed amendment to the present specification to correctly identify the continuation status of the international application from which the present application entered the national phase, which is accompanied by a Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120 and 365(c), provides a proper benefit claim reference of the parent US Patent No. 6,557,970.

The Applicant respectfully notes that a reference to the parent US application was inadvertently placed under the foreign priority benefits section of the Declaration dated August 31, 2004 filed by the Applicant. Accordingly, the Applicant's delay in making the correct reference was unintentional as stated in the petition.

Regarding 35 USC 102(e) Rejections

The Examiner is respectfully requested to withdraw the anticipation rejection of claim 1 over Silverbrook (US 6,557,970), based on the above-described amendment and petition to properly claim benefit of the filing date of Silverbrook.

Regarding Double Patenting

It is respectfully submitted that above-described amended independent claim 1, and new claims 4-6 dependent therefrom, do not claim the same invention as claims 1-3 of US Patent No. 6,557,970.

It is respectfully submitted that the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



Kia Silverbrook

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762